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SEC

SERVICE DATE – JULY 6, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34391

NEW ENGLAND TRANSRAIL, LLC, d/b/a  
WILMINGTON AND WOBURN TERMINAL RAILROAD COMPANY –  
– CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION –  
IN WILMINGTON AND WOBURN, MA

Decided: July 5, 2005

On May 18, 2005, New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Company (NET) filed a petition for reconsideration of a Board decision served May 3, 2005 (May 3 Decision) dismissing without prejudice NET's petition for exemption to construct, acquire, and operate certain trackage in Wilmington and Woburn, MA. The Town of Wilmington, MA, Massachusetts Department of Environmental Protection, and the National Solid Wastes Management Association, et al. replied in opposition to NET's reconsideration request.

On June 29, 2005, NET advised the Board that it intends to file a new petition for exemption, as the Board suggested it do in the May 3 Decision. Accordingly, NET requests that the Board permit it to withdraw its reconsideration petition. NET asks the Board to retain exhibits that accompanied NET's petition for reconsideration, because NET intends to incorporate those exhibits by reference into a new petition for exemption.

NET's request to withdraw its petition for reconsideration will be granted. The Board will retain the exhibits that accompanied NET's reconsideration request, and will not require NET to re-file them should NET submit a new petition for exemption involving the same proposed project.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NET's request to withdraw its petition for reconsideration is granted.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary